(193)

UNITED NATIONS

E

Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1990/L.1
31 August 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-second session
Agenda item 20

CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF THE DRAFT PROVISIONAL AGENDA FOR THE FORTY-SECOND SESSION OF THE SUB-COMMISSION

Note by the Secretary-General

Draft provisional agenda for the forty-third session of the Sub-Commission

GE.90-13446/7587A

The text of the draft provisional agenda for the forty-third session of the Sub-Commission reads as follows:

1. Election of officers

2. Adoption of the agenda

3. Review of the work of the Sub-Commission

   Legislative authority: Sub-Commission resolutions 5 (XIV) and 1990/4 and decisions 2 (XXXIV), 1990/106, 1990/115

   Documentation:

   Draft resolutions E/CN.4/Sub.2/1990/L.7 and the relevant amendments thereto contained in E/CN.4/Sub.2/1990/L.15, E/CN.4/Sub.2/1990/L.40

4. Review of further developments in fields with which the Sub-Commission has been concerned

   Legislative authority: Commission decision 1990/109, Sub-Commission resolutions 1989/16, 1990/6, 1990/7 and Sub-Commission decisions 1990/116, 1990/117, 1990/118

   Documentation:

Report by Ms. Warzazi	(1989/16)
Progress report by Mr. van Boven	(1990/6)
Preliminary report by Ms. Ksentini	(1990/7)
Updated report by Mr. Joinet and Mr. Türk	(1990/117)
Progress report by Mr. Varela Quiros	(1990/118)

5. Elimination of racial discrimination

   (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

   Legislative authority: Sub-Commission resolutions 1990/1 and 1990/2

   Documentation:

   Secretary-General's outline of possible activities for increasing the effectiveness of United Nations action to combat racism and racial discrimination (Sub-Commission resolution 1990/1, para. 7)
   Secretary-General's overview of current trends of racism, discrimination, intolerance and xenophobia (Sub-Commission resolution 1990/2, para. 4)

(b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

Legislative authority: Sub-Commission resolution 1990/3

Documentation:

Revised report by Mr. Khalifa (Sub-Commission resolution 1990/3)

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

Legislative authority: Sub-Commission resolutions 1990/9, 1990/12 and 1990/14

Documentation:

Secretary-General's updated list (1990/12)

7. The new international economic order and the promotion of human rights

Legislative authority: Sub-Commission resolution 1989/1 and decision 1990/119

Documentation:

Method and plan of work by Mr. Suescún Monroy (1990/119)

8. The realization of economic, social and cultural rights

Legislative authority: Sub-Commission resolution 1990/16

Documentation:

Second progress report by Mr. Türk (1990/16)

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

Confidential report of the Working Group and supporting papers

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV)

READEX FICHE

10. The administration of justice and the human rights of detainees

(a) Question of human rights of persons subjected to any form of detention and imprisonment

Legislative authority: Sub-Commission resolutions 1990/20, 1990/21 and 1990/22

Documentation:

Final report by Ms. Bautista	(1990/20)
Report by Ms. Bautista	(1990/21)
Information from the Secretary-General	(1990/22)

(b) Question of human rights and states of emergency

Legislative authority: Sub-Commission resolution 1990/19

Documentation:

Annual report and updated list by Mr. Despouy (1990/19)

(c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

Legislative authority: Commission on Human Rights resolution 26 (XXXVI)

(d) The right to a fair trial

Legislative authority: Sub-Commission resolution 1990/18

Documentation:

Study by Mr. Chernichenko and Mr. Treat (1990/18)

11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

Legislative authority: Sub-Commission resolution 1990/23

Documentation:

Report by Mr. Joinet (1990/23)

12. Human rights and disability

Legislative authority: Sub-Commission decision 1990/112

Documentation:

Final report of Mr. Despouy

13. Elimination of all forms of intolerance and of discrimination based on religion or belief

Legislative authority: Sub-Commission resolution 1985/34

14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

Legislative authority: Sub-Commission resolution 1989/47

Working paper of Mr. Bhandare (1989/47)

15. Discrimination against indigenous peoples

Legislative authority: Economic and Social Council resolutions 1982/34 and 1989/77 and Sub-Commission resolutions 1989/58, 1990/25, 1990/26, 1990/28 and 1990/29

Documentation:

Working paper by Ms. Daes	(1990/25)
Brief note by the Secretary-General	(1990/26)
Analytical commentary of the draft declaration by Ms. Daes	(1990/26)
Report by the Secretary-General	(1990/27)
Preliminary report by the Secretary-General	(1990/28)
Report by the Secretary-General	(1990/29)
Second working paper by Mr. Eide and Ms. Mbonu	(1990/29)

16. Contemporary forms of slavery

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI) and Sub-Commission resolutions 1989/41, 1990/30 and 1990/31

Documentation:

Report of the Working Group

17. Promotion, protection and restoration of human rights at national, regional and international levels

(a) Prevention of discrimination and protection of children: human rights and youth

Legislative authority: Sub-Commission resolution 1990/32

Documentation:

Progress report by Mr. Mazilu (1990/32)

(b) Prevention of discrimination and protection of women

Legislative authority:

Documentation:

18. Protection of minorities

Legislative authority: Sub-Commission resolutions 1989/44 and 1990/5

Documentation:

Preliminary report by the Special Rapporteur (Sub-Commission resolution 1990/5, para. 6)

19. The right of everyone to leave any country, including his own, and to return to his country

Legislative authority: Commission on Human Rights resolution 1989/39 and Sub-Commission decision 1990/123

Documentation:

Revised version of draft declaration by Mr. Sadi (1990/123)

20. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-fourth session of the Sub-Commission

21. Adoption of the report of the forty-third session

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UNITED
NATIONS

E

Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1990/L.2
9 August 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-second session
Agenda item 5 (a)

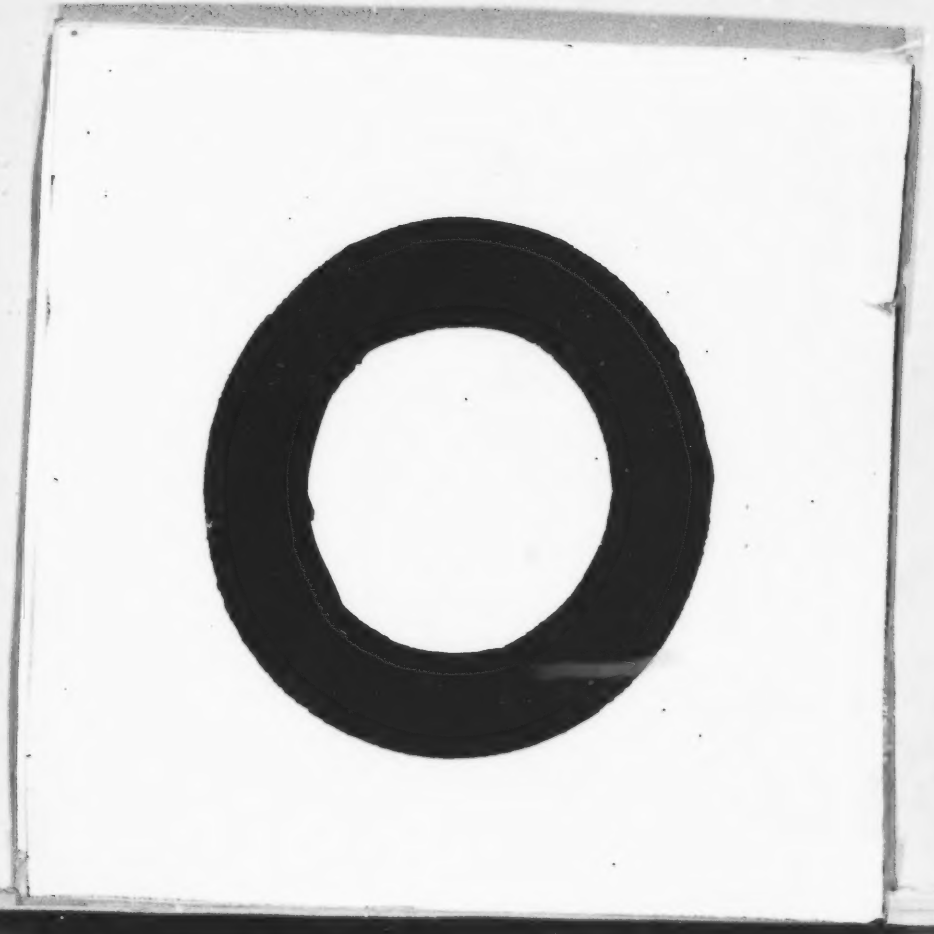
ELIMINATION OF RACIAL DISCRIMINATION

MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION
AND THE ROLE OF THE SUB-COMMISSION

Draft decision submitted by Mrs. Palley

Measures to combat racism

At its ... meeting on ... August 1990, the Sub-Commission, mindful of the Declaration on Apartheid and its Destructive Consequences in southern Africa, adopted on 14 December 1989 by the sixteenth special session of the General Assembly, decided to recommend to the Secretary-General, as a matter of the highest priority, that technical assistance be offered, from the programme of advisory services in the field of human rights, in consultation with other agencies in the United Nations system, to those seeking a peaceful and negotiated end to apartheid and the establishment of a genuinely unified, democratic, non-racial society, including liberation movements, mass democratic organizations, and trade union associations.



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UNITED
NATIONS

E

Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1990/L.3
13 August 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-second session
Agenda item 5 (a)

ELIMINATION OF RACIAL DISCRIMINATION

MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION
AND THE ROLE OF THE SUB-COMMISSION

Draft resolution submitted by Mr. Sachar

Situation in the Middle East

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the various resolutions of the General Assembly and the Commission on Human Rights concerning the practices of the Israeli occupation authorities affecting the human rights in Palestinian and other Arab territories occupied by Israel,

Recalling its resolution 1989/4 of 31 August 1989, which supported a call to convene an international peace conference on the Middle East with the participation of all parties to the conflict, including the Palestine Liberation Organization, as an equal partner,

Bearing in mind Commission on Human Rights resolutions 1990/1 and 1990/2 of 16 February 1990, and especially 1990/6 of 19 February 1990, wherein a request was made to the Secretary-General to transmit the resolution to the Government of Israel with a view to its implementation, and noting with regret that no steps have been taken by Israel to implement the resolution,

Noting that the United States has called off talks with the Palestine Liberation Organization, making the totally unacceptable excuse that some extremist groups have not given up the practice of terrorism, and unfairly accusing the Palestine Liberation Organization and Mr. Arafat of condoning terrorism,

Realizing that the situation in the Middle East has become suddenly dangerous and that unless immediate peace talks take place between the parties, as mentioned in Sub-Commission resolution 1989/4, a great tragedy of untold proportions involving the entire Middle East may erupt,

Requests the Secretary-General to convene an immediate meeting of the concerned parties, including Israel and the Palestine Liberation Organization, where action could be decided to implement the steps suggested in the earlier resolutions.

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UNITED
NATIONS

Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1990/L.4
14 August 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-second session
Agenda item 3

REVIEW OF THE WORK OF THE SUB-COMMISSION

Draft resolution submitted by Mr. Treat and Mr. van Boven

Footnote to rule 59 of the Rules of Procedure of the
Functional Commissions of the Economic and Social Council

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that the Sub-Commission on Prevention of Discrimination and Protection of Minorities is a body of experts,

Recognizing also that under certain agenda items the Sub-Commission considers serious violations of specific human rights in countries,

Realizing that the independence and credibility of the Sub-Commission are essential if it is to fulfil its mandate,

Desiring to maintain and enhance the expert and independent status of the Sub-Commission,

Realizing that appropriate rules of procedure and practices are necessary to ensure that the proceedings of the Sub-Commission will be conducted in a manner consistent with its distinct and independent status,

Believing that situations of serious violations of human rights in specific countries which come before the Sub-Commission require the use of a secret ballot to ensure the independence of the membership,

Bearing in mind, therefore, the opinion of the Legal Counsel of the United Nations dated 28 July 1989,

Recommends the following draft resolution to the Commission on Human Rights for adoption:

The Commission on Human Rights,

Recognizing that the Sub-Commission on Protection of Minorities is an independent body of experts,

Realizing that the independence and credibility of the Sub-Commission are essential if it is to fulfil its mandate,

Believing that situations of serious violations which come before the Sub-Commission require the use of a secret ballot to ensure the independence of the membership,

Bearing in mind the opinion of the Legal Counsel of the United Nations dated 28 July 1989,

1. Proposes that the Economic and Social Council amend the rules of procedure as they pertain to the Sub-Commission;

2. Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Taking into account the relevant opinions of the Legal Counsel of the United Nations dated 28 July 1989,

Adds the following footnote to rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council:

It is the understanding of the Economic and Social Council that the Sub-Commission on Prevention of Discrimination and Protection of Minorities will vote on resolutions pertaining to violations of human rights in specific countries by secret ballot.

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UNITED
NATIONS

E

Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1990/L.5
15 August 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-second session
Agenda item 5 (a)

ELIMINATION OF RACIAL DISCRIMINATION

MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION

Draft resolution submitted by Mr. Guissé, Mr. Joinet, Ms. Ksentini, Ms. Mbonu, Mr. Tian Jin and Mr. Yimer

1990/ . Further measures to combat racism and racial discrimination and the role of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution of 1989/19 of 31 August 1989, referring to the Commission on Human Rights, for further consideration, the final report of the Special Rapporteur on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination, and deciding to consider further, at its forty-second session, the recommendations made by the Special Rapporteur and their implementation,

Mindful of General Assembly resolution 44/52 of 8 December 1989, declaring once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting

from official doctrines of racial superiority or exclusivity, are among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Considering that, despite the efforts thus far of the international community, the principal objectives of the Decades to Combat Racism have not been attained, and that millions of human beings continue to be the victims of varied forms of racism, racial discrimination and apartheid,

Aware also of the growing importance and magnitude of the phenomenon of racism and its consequences for migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and their families,

Conscious that the scourges of racism and racial discrimination are continually assuming new forms, requiring a periodic re-examination of the methods used to combat them,

Convinced however that racism and racial discrimination, in whatever form, are intensified, inter alia, by conflicts over economic resources, in developed as well as developing countries, and can best be defeated by a combination of economic as well as legislative and educational measures,

Reaffirming that all human rights and fundamental freedoms, economic, social and cultural as well as civil and political, are indivisible and interrelated,

Noting in this regard Commission on Human Rights resolution 1990/17 of 23 February 1990 requesting the Secretary-General to intensify co-ordination between the human rights activities of the United Nations and the programmes of development agencies,

Taking note also of Commission on Human Rights resolution 1990/24 of 27 February 1990 recognizing that the activities of the various organizations in the United Nations system should be closely interrelated in order to promote human rights more effectively,

Taking into account the conclusions and suggestions of the global consultation on racism and racial discrimination held at Geneva from 3 to 6 October 1988 (E/1989/48), the conclusions and recommendations of the United Nations seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States, held at Geneva from 16 to 20 January 1989 (E/CN.4/1989/22), and the conclusions and recommendations of the International Seminar on Cultural Dialogue between the Countries of Origin and the Host Countries of Migrant Workers, held at Athens from 18 to 24 September 1990 (E/CN.4/1990/50),

Believing that the General Assembly should consider proclaiming, in 1993, a third Decade to Combat Racism and Racial Discrimination, as a means of intensifying international efforts in this field, particularly through international economic co-operation,

1. Recommends that the General Assembly take appropriate steps, in due course, to launch a third Decade to Combat Racism and Racial Discrimination, to begin in 1993;

2. Emphasizes the obligation of the international community to take urgent measures to eradicate apartheid completely, as well as to combat racism and racial discrimination against indigenous peoples, migrant workers and other vulnerable groups in society;

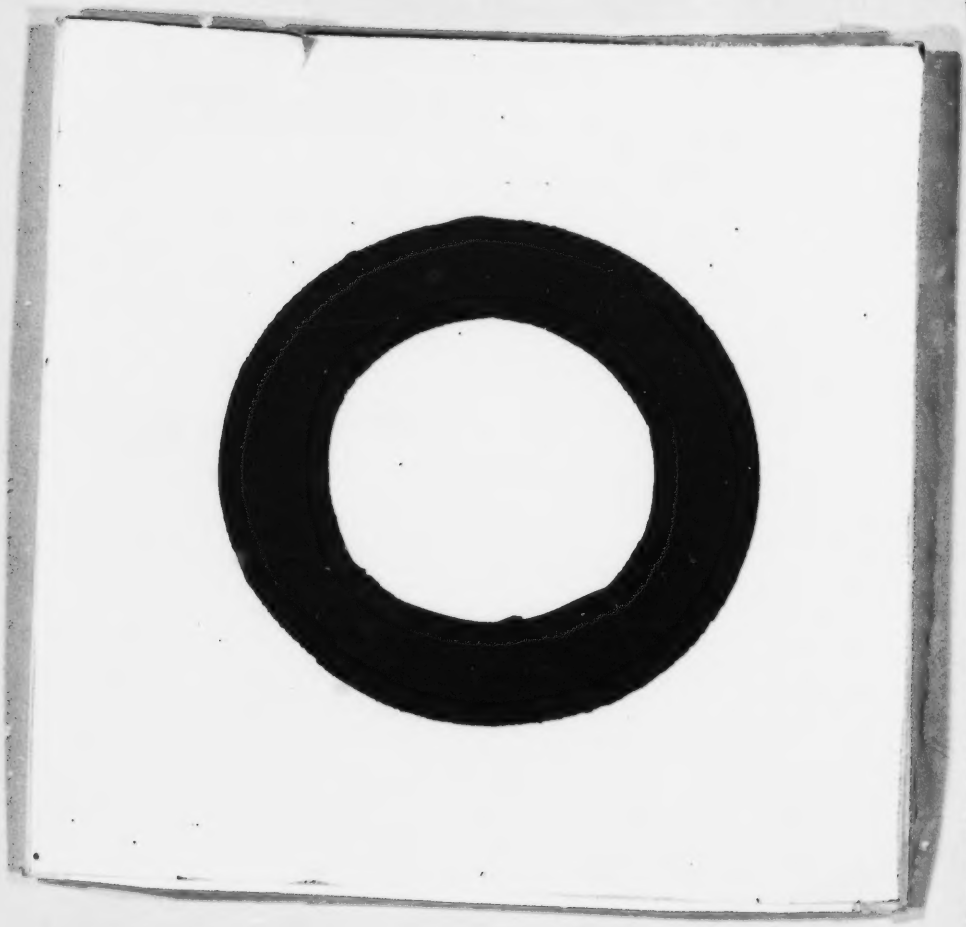
3. Confirms the importance, in the struggle against racism and racial discrimination, of a complementarity of economic and social measures at the national level, including legislative, administrative and penal measures, and of measures taken at the international level;

4. Recognizes the important role that can be played in this regard by the Sub-Commission, as well as the need for more effective co-ordination between the Centre for Human Rights and operational activities for development;

5. Recognizes also the importance of activities aimed at directly assisting vulnerable groups to strengthen their participation in national economic, social and political life;

6. Recommends that the Secretary-General consider the appointment of a special representative for the purpose of responding to urgent situations involving racism or racial discrimination in any part of the world;

7. Entrusts , in consultation with the Committee on the Elimination of Racial Discrimination and the Sub-Commission, with the task of preparing recommendations for the programme of action for a third Decade to Combat Racism and Racial Discrimination, for consideration at its forty-third session, bearing in mind the principles contained in this resolution.



UNITED
NATIONS

(198) E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/Sub.2/1990/L.6
14 August 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-second session
Agenda item 5 (a)

ELIMINATION OF RACIAL DISCRIMINATION

MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION
AND THE ROLE OF THE SUB-COMMISSION

Draft resolution submitted by Mr. Alfonso Martínez, Ms. Ksentini, Mr. Joinet, Mr. Suescún Monroy, Ms. Warzazi and Mr. Yimer

Measures to combat racism and racial discrimination
and the role of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/19 of 31 August 1989,

Recalling further Commission on Human Rights resolutions 1990/13 of 23 February 1990, and 1990/44, 1990/45 and 1990/46 of 6 March 1990,

Having considered Mr. Asbjørn Eide's study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination, particularly its conclusions and recommendations,

Conscious of its special responsibility to give due regard to new developments in the field of human rights,

Deeply concerned that there are signs of a revival of racism, with accompanying manifestations of prejudice, discrimination, intolerance and xenophobia in many parts of the world directed against ethnic, national and other minorities, indigenous peoples, migrant workers and other vulnerable groups,

Firmly determined to do its utmost to contribute to putting an end to these dangerous manifestations which affect the basic human rights and fundamental freedoms of said groups,

Taking into account, in this light, the recommendation of the Special Rapporteur to update the study on racial discrimination prepared by Mr. Hernán Santa Cruz in 1976,

1. Expresses again its appreciation to the Special Rapporteur, Mr. Asbjørn Eide, for his valuable, wide-ranging and useful study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination;

2. Emphasizes the need to give a new thrust towards the achievement of the goals of the Second Decade to Combat Racism and Racial Discrimination and to contribute to the eradication of the recent upsurge of racist, prejudicial, discriminatory, intolerant and xenophobic attitudes and actions against vulnerable human groups in various parts of the world;

3. Requests the Secretary-General to prepare, on the basis of replies obtained from Governments, specialized agencies and other intergovernmental organizations, as well as from non-governmental organizations, an overview of current trends of racism, discrimination, intolerance and xenophobia affecting the aforementioned groups, as well as of measures taken by Governments against those phenomena and the effects of such measures;

4. Requests the Secretary-General to submit the said overview for further consideration by the Sub-Commission at its forty-third session, under item 5 (a) of its agenda;

5. Decides to give thorough consideration at its forty-third session, under agenda item 5 (a), and in the light of these new trends, to the recommendation of the Special Rapporteur to update the study on racial discrimination prepared in 1976 by Mr. Hernán Santa Cruz.

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UNITED
NATIONS

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Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1990/L.7
15 August 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-second session
Agenda item 3

REVIEW OF THE WORK OF THE SUB-COMMISSION

Draft resolution submitted by Mr. Alfonso Martínez,
Mr. Tian Jin, Mr. Khalifa and Mr. Yimer

New rules of procedure for the Sub-Commission on Prevention
of Discrimination and Protection of Minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering that its proceedings are governed at present by the Rules of Procedure of the Functional Commissions of the Economic and Social Council, rules for bodies which are, by definition, of a governmental nature,

Considering further that for a number of occasions and circumstances the said Rules of Procedure do not appear entirely suited to the particular characteristics of an expert body such as the Sub-Commission,

Bearing in mind Sub-Commission decisions 1989/101 of 25 August 1989 and 1989/105 of 31 August 1989 by which the Sub-Commission decided, by majority vote, to suspend the application, during its forty-first session, of rule 59 of the said Rules of Procedure with respect to votes taken under items 6 and 8 of the agenda,

Fully aware of the content of the advisory opinion issued by the United Nations Under-Secretary-General for Legal Affairs (Legal Advisor), at the request of the Sub-Commission, in which it is unequivocally stated that the suspension of rule 59 for the purpose of taking certain decisions by secret ballot also rules out the application of rule 60 regarding explanations of vote, thus actually preventing expert members from stating clearly and properly their views on the texts submitted for such votes,

Taking into account also that on 16 February 1984, and again on 31 July 1989, the Legal Advisor informed the Sub-Commission that in accordance with his Office's view, votes by secret ballot could only be taken if two conditions were met, namely that the decision to take a secret ballot was reached by general agreement among its members, or that the question was akin to an election,

Considering further that rule 77 of the Rules of Procedure of the Functional Commissions establishes that the Economic and Social Council is the only body that may amend the said Rules,

1. Requests Messrs ....., members of the Sub-Commission, to submit for consideration at its forty-third session, without financial implications and for subsequent submission to the Commission on Human Rights and the Economic and Social Council in 1992, a draft containing a new set of rules of procedure that will govern its proceedings in substitution for those presently in force, and which would fully take into account the distinct characteristics of the Sub-Commission as an expert body;

2. Decides not to further suspend, on an ad hoc yearly basis, rules 59 and 60 of the present Rules of Procedure until a decision is taken by the Economic and Social Council on the above-mentioned draft;

3. Requests the Secretary-General to provide Messrs. .... with all possible assistance for the timely completion of the said draft in accordance with the conditions established in paragraph 1.

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UNITED NATIONS

E

Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1990/L.8
15 August 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-second session
Agenda item 18

PROTECTION OF MINORITIES

Draft resolution submitted by Mr. Chernichenko, Mr. Hatano, Mr. Heller, Mr. Joinet, Ms. Palley, Mr. Sachar, Mr. Treat, Mr. van Boven and Mr. Yimer

Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1988/36 of 1 September 1988, inviting Mrs. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities,

Recalling also its resolution 1989/44 of 1 September 1989, expressing appreciation to Mrs. Palley for her proposals, and entrusting Mr. Asbjørn Eide with the preparation of a further report on national experience in this field,

Mindful of its mandate to make recommendations in this field, in accordance with General Assembly resolution 217 C (III) of 10 December 1948, Economic and Social Council resolutions 5 (I) of 16 February 1946 and 9 (II) of 21 June 1946, and Commission on Human Rights resolution I A (V) of 16 May 1949,

Considering that there are problems throughout the world arising from inter-ethnic and inter-group conflicts,

Considering further that ethnic conflicts, which may result from a failure to take appropriate legislative and social measures for the protection and participation of minorities, are among the most destructive situations reviewed by the Sub-Commission at its annual sessions,

Convinced that the Sub-Commission can best contribute to preventing situations involving minorities by studying and promoting positive measures for the development of minorities and for the peaceful and constructive solution of problems concerning them within the States in which they live,

Believing in the need for the study and dissemination of positive and practical approaches to questions of integration or autonomy of minorities, which take into account national conditions and experience, and go beyond the universally recognized minimum standards contained in international human rights instruments,

Having examined the progress report submitted by Mr. Eide at its forty-second session (E/CN.4/Sub.2/1990/46),

Conscious of the complexity and diversity of national experience with minorities, the magnitude of the task of collecting and evaluating this experience, and the limited extent to which such information is currently available within the United Nations system,

1. Expresses its appreciation to Mr. Eide for his informative and useful progress report;

2. Endorses the research methods proposed by Mr. Eide for the study in part V of his progress report, subject to his taking into account the observations and suggestions made by members of the Sub-Commission at its present session;

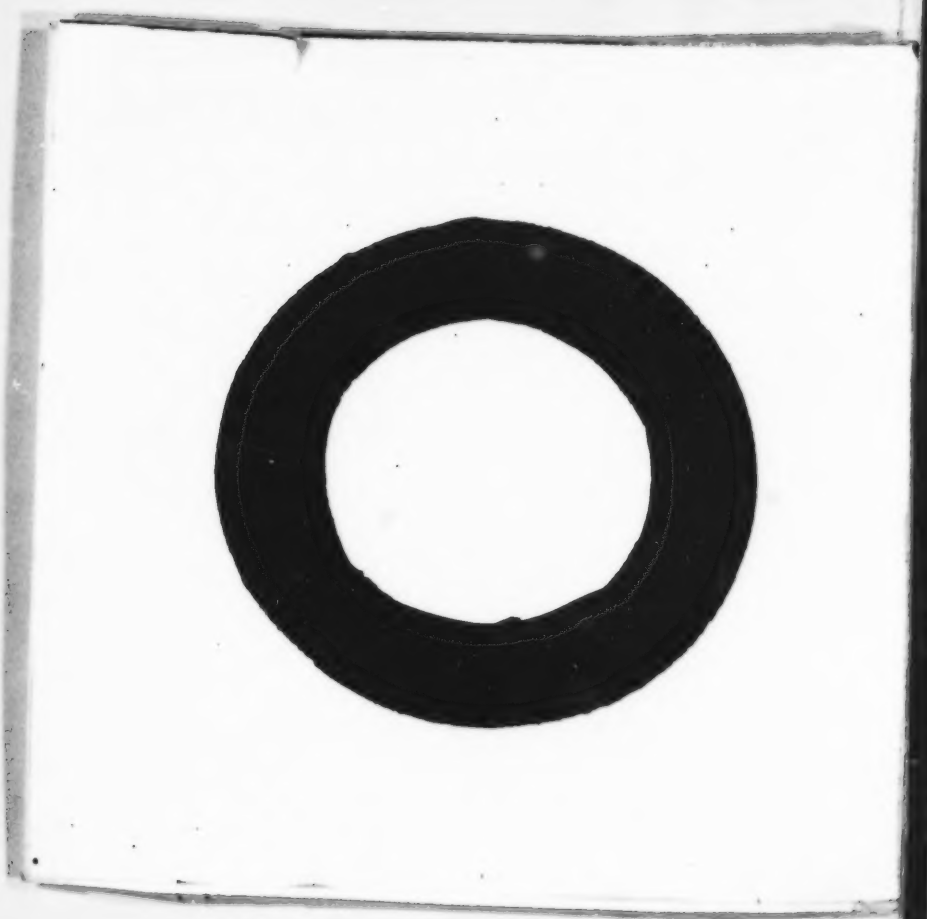
3. Affirms the need to assign a high priority and adequate resources to the collection, evaluation, and dissemination of relevant information, in co-operation with Governments and non-governmental organizations, as well as recognized experts in this field;

4. Requests Mr. Eide to present a report at its forty-third session on the further progress made in this study, including preliminary analysis of information obtained from a review of State reports under human rights instruments, and replies to questionnaires;

5. Recommends to the Commission on Human Rights the adoption of the following decision:

> The Commission on Human Rights, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/... of ... August 1990, decides to endorse the methods proposed by Mr. Eide, subject to his taking into account the observations by members of the

Sub-Commission, for the further study of facilitating the peaceful and constructive solution of problems involving minorities, and to request the Secretary-General to give Mr. Eide all the assistance which he may require, including: the assistance of a consultant for the compilation of information obtained from State reports and replies to questionnaires; contacts with Governments for detailed information on measures of particular relevance and interest; and the convening of a technical meeting with other recognized specialists in this field for the purpose of refining the criteria which may be used for evaluating national experience and identifying positive models.



(101)

UNITED
NATIONS

E

Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1990/L.8/Rev.1
20 August 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-second session
Agenda item 18

PROTECTION OF MINORITIES

Draft resolution submitted by Mr. Chernichenko, Mr. Hatano, Mr. Heller, Mr. Joinet, Mrs. Palley, Mr. Sachar, Mr. Treat, Mr. van Boven and Mr. Yimer

Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1988/36 of 1 September 1988, by which it invited Mrs. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities,

Recalling also its resolution 1989/44 of 1 September 1989, by which it expressed appreciation to Mrs. Palley for her proposals, and entrusting Mr. Asbjørn Eide with the preparation of a further report on national experience in this field,

Considering that ethnic conflicts, which may result from a failure to take further appropriate legislative, administrative and social measures for the protection and participation of minorities, are among the most destructive situations reviewed by the Sub-Commission at its annual sessions,

Convinced that the Sub-Commission can best contribute to preventing situations involving minorities by studying and promoting positive measures for the protection of minorities and for the peaceful and constructive solution of problems concerning them within the States in which they live,

Having considered the progress report submitted by Mr. Asbjørn Eide at its forty-second session (E/CN.4/Sub.2/1990/46),

Conscious of the complexity and diversity of national experience with minorities, the magnitude of the task of collecting and evaluating this experience, and the limited extent to which such information is currently available within the United Nations system,

1. Expresses its deep appreciation to Special Rapporteur Mr. Asbjørn Eide for his informative and useful progress report;

2. Endorses the research methods proposed by Mr Eide for the study in Chapter V of his progress report;

3. Considers that throughout the world there are serious problems arising from inter-ethnic and inter-group conflicts;

4. Affirms the need to assign a high priority and adequate resources to the collection and evaluation of relevant information;

5. Requests the Secretary-General to submit the questionnaire, annexed to the above-mentioned report, as it might be supplemented and amended by the Special Rapporteur, on the basis of the views and comments made by the members of the Sub-Commission, to Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations for their comments, views and relevant information;

6. Requests also the Secretary-General to give the Special Rapporteur all the assistance he may require in order to enable him to carry out his difficult and complex study and to accomplish his work successfully;

7. Requests further the Special Rapporteur, Mr. Eide, to submit a preliminary report to the Sub-Commission at its forty-third session on the progress made in his study, and to consider including an analysis of information obtained in replies of Governments, specialized agencies, regional intergovernmental organizations, as well as from State reports submitted under

international and regional human rights instruments, and to take into account also relevant decisions and recommendations by human rights bodies and in particular the decisions of the Human Rights Committee;

8. Recommends to the Commission on Human Rights the following draft resolution for adoption:

The Commission on Human Rights,

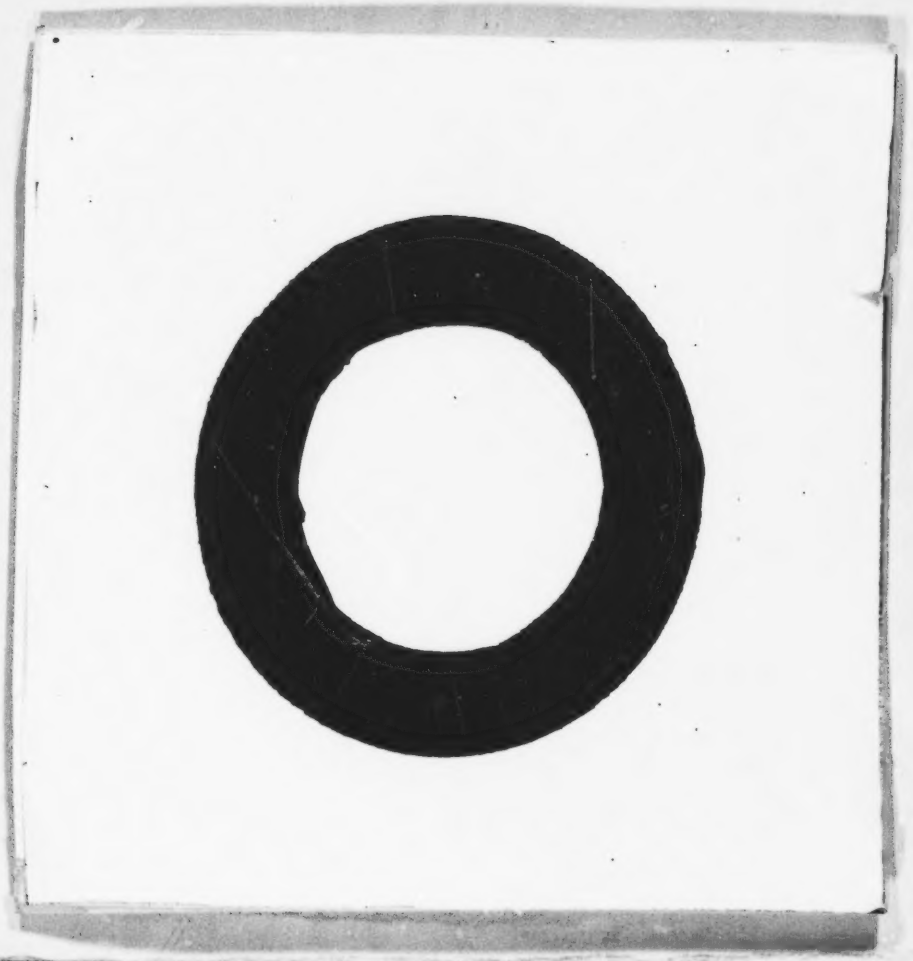
Taking into account resolution 1990/... of ... August 1990 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Expresses its deep appreciation to the Special Rapporteur, Mr. Asbjørn Eide, for his progress report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1990/46);

2. Endorses the methods proposed by the Special Rapporteur for the further study of facilitating the peaceful and constructive solution of problems involving minorities;

3. Requests the Special Rapporteur, Mr. Eide, to present to the Sub-Commission a preliminary report at its forty-third session, taking into account, among other information, the comments and suggestions made by the members of the Sub-Commission as well as replies by Governments, specialized agencies, regional intergovernmental and non-governmental organizations;

4. Requests the Secretary-General to give the Special Rapporteur all the assistance he may require to enable him to carry out his work successfully.



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UNITED
NATIONS

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Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1990/L.8/Rev.1 */
22 August 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-second session
Agenda item 18

PROTECTION OF MINORITIES

Draft resolution submitted by Mr. Chernichenko, Mrs. Daes, Mr. Hatano, Mr. Heller, Mr. Joinet, Mrs. Palley, Mr. Sachar, Mr. Treat, Mr. van Boven and Mr. Yimer

Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1988/36 of 1 September 1988, by which it invited Mrs. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities,

Recalling also its resolution 1989/44 of 1 September 1989, by which it expressed appreciation to Mrs. Palley for her proposals, and entrusting Mr. Asbjørn Eide with the preparation of a further report on national experience in this field,

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*/ Re-issued for technical reasons.

Considering that ethnic conflicts, which may result from a failure to take further appropriate legislative, administrative and social measures for the protection and participation of minorities, are among the most destructive situations reviewed by the Sub-Commission at its annual sessions,

Convinced that the Sub-Commission can best contribute to preventing situations involving minorities by studying and promoting positive measures for the protection of minorities and for the peaceful and constructive solution of problems concerning them within the States in which they live,

Having considered the progress report submitted by Mr. Asbjørn Eide at its forty-second session (E/CN.4/Sub.2/1990/46),

Conscious of the complexity and diversity of national experience with minorities, the magnitude of the task of collecting and evaluating this experience, and the limited extent to which such information is currently available within the United Nations system,

1. Expresses its deep appreciation to Special Rapporteur Mr. Asbjørn Eide for his informative and useful progress report;

2. Endorses the research methods proposed by Mr Eide for the study in Chapter V of his progress report;

3. Considers that throughout the world there are serious problems arising from inter-ethnic and inter-group conflicts;

4. Affirms the need to assign a high priority and adequate resources to the collection and evaluation of relevant information;

5. Requests the Secretary-General to submit the questionnaire, annexed to the above-mentioned report, as it might be supplemented and amended by the Special Rapporteur, on the basis of the views and comments made by the members of the Sub-Commission, to Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations for their comments, views and relevant information;

6. Requests also the Secretary-General to give the Special Rapporteur all the assistance he may require in order to enable him to carry out his difficult and complex study and to accomplish his work successfully;

7. Requests further the Special Rapporteur, Mr. Eide, to submit a preliminary report to the Sub-Commission at its forty-third session on the progress made in his study, and to consider including an analysis of information obtained in replies of Governments, specialized agencies, regional intergovernmental organizations, as well as from State reports submitted under

international and regional human rights instruments, and to take into account also relevant decisions and recommendations by human rights bodies and in particular the decisions of the Human Rights Committee;

8. Recommends to the Commission on Human Rights the following draft resolution for adoption:

The Commission on Human Rights,

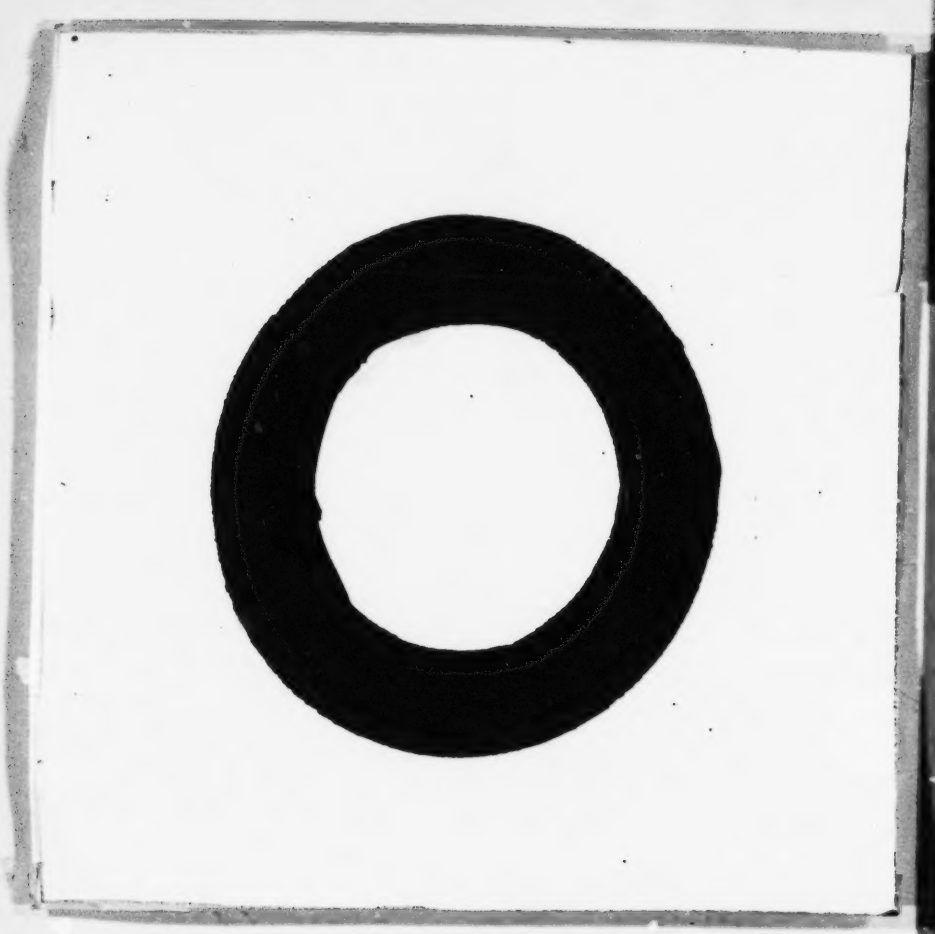
Taking into account resolution 1990/... of ... August 1990 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Expresses its deep appreciation to the Special Rapporteur, Mr. Asbjørn Eide, for his progress report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1990/46);

2. Endorses the methods proposed by the Special Rapporteur for the further study of facilitating the peaceful and constructive solution of problems involving minorities;

3. Requests the Special Rapporteur, Mr. Eide, to present to the Sub-Commission a preliminary report at its forty-third session, taking into account, among other information, the comments and suggestions made by the members of the Sub-Commission as well as replies by Governments, specialized agencies, regional intergovernmental and non-governmental organizations;

4. Requests the Secretary-General to give the Special Rapporteur all the assistance he may require to enable him to carry out his work successfully.



UNITED NATIONS

E

Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1990/L.9
17 August 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-second session
Agenda item 5 (b)

ELIMINATION OF RACIAL DISCRIMINATION

ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA

Draft resolution submitted by Mr. Alfonso Martínez, Ms. Attah, Ms. Daes, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Ramishvili, Mr. Savoia, Mr. Sadi, Mr. Suescún Monroy, Mr. Treat, Mr. van Boven, Ms. Warzazi and Mr. Yimer

1990/... Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist régime of South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his updated report (E/CN.4/Sub.2/1990/13 and Add.1);

2. Expresses also its thanks to all Governments and organizations which supplied the Special Rapporteur with information;

3. Recommends the following draft resolution to the Commission on Human Rights for adoption:

The Commission on Human Rights,

Noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/18 of 31 August 1989,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

Noting the initiative of the Prime Minister of South Africa on 2 February 1990, promising a new era in South Africa and an end to white domination,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his updated report (E/CN.4/Sub.2/1990/13 and Add.1);

2. Expresses also its thanks to all Governments and organizations which supplied the Special Rapporteur with information;

3. Welcomes with satisfaction resolution 1990/23 of 27 February 1990 of the Commission on Human Rights, in which the Commission invites the Special Rapporteur:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa, giving such details regarding enterprises listed as the Special Rapporteur may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report through the Sub-Commission to the Commission on Human Rights;

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, with a view to consolidating mutual co-operation in updating his report;

4. Calls upon all Governments:

(a) To co-operate with the Special Rapporteur in making the report even more accurate and informative;

(b) To disseminate the updated report and give its contents the widest possible publicity;

5. Calls also upon all Governments and organizations to maintain sanctions against the racist régime of South Africa until the total dismantlement of the apartheid system, in conformity with the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by the General Assembly on 14 December 1989 in its resolution S-16/1;

6. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights to consider the revised report at their forty-third and forty-seventh sessions respectively;

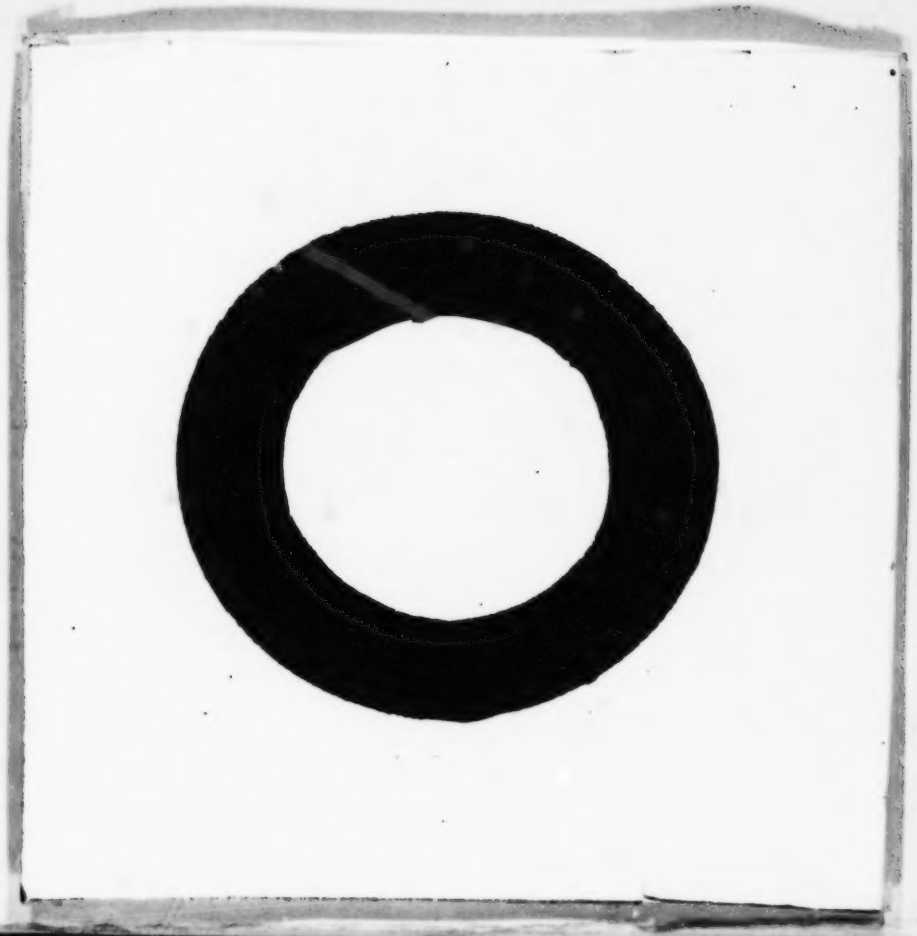
7. Requests the Secretary-General, in accordance with General Assembly resolution 43/92 of 8 December 1988, to make available to the Special Rapporteur two economists to help him develop his analysis and documentation on specific cases of special importance;

8. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid and to consolidating mutual co-operation in updating his report;

9. Requests the Secretary-General to bring the updated report of the Special Rapporteur to the attention of Governments whose national financial institutions continue to deal with the régime of South Africa, and to call upon them to provide the Special Rapporteur with any information or comments they may wish to present on the matter;

10. Requests the Secretary-General to contact the Government of South Africa with a view to enabling the Special Rapporteur to undertake a visit to South Africa on special mission within the perspective of the next update of the present report;

11. Invites the Secretary-General to continue to give the updated report of the Special Rapporteur the widest distribution and publicity as a United Nations publication.



UNITED
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Economic and Social
Council

Distr.
LIMITED

E/CN.4/Sub.2/1990/L.10
28 August 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

Forty-second session
Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Vergne Saboia

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*/ E/CN.4/Sub.2/1990/L.10 and addenda will contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to the Commission on Human Rights will be contained in documents E/CN.4/Sub.2/1990/L.11 and addenda.

VI. ELIMINATION OF RACIAL DISCRIMINATION

A. MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION

B. ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA

A. Measures to combat racism and racial discrimination and the role of the Sub-Commission

1. The Sub-Commission considered sub-item 5 (a) at its 4th to 8th and 18th meetings, held from 8 to 13 and on 20 August 1990.

2. The Sub-Commission had before it the following documents in connection with its consideration of the sub-item:

Study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination by the Special Rapporteur, Mr. A. Eide (E/CN.4/Sub.2/1989/8 and Add.1);

Report on the International Seminar on Cultural Dialogue Between the Countries of Origin and the Host Countries of Migrant Workers (E/CN.4/1990/50).

3. The sub-item was introduced at the 4th meeting, on 8 August 1990, by the Deputy-Director of the Centre for Human Rights.

4. In the general debate on the sub-item, statements were made by the following members of the Sub-Commission: Ms. Attah (6th), Mr. Alfonso Martínez (4th and 7th), Mr. van Boven (4th and 6th), Ms. Daes (6th), Mr. Despouy (6th), Mr. Diaconu (6th), Mr. Eide (5th and 6th), Mr. Guissé (5th and 7th), Mr. Joinet (6th), Mr. Khalifa (5th), Ms. Ksentini (5th), Ms. Palley (4th, 5th and 6th), Mr. Saboia (6th), Mr. Sachar (5th and 7th), Mr. Sadi (5th), Mr. Suescún Monroy (7th), Mr. Treat (7th), Ms. Warzazi (4th, 5th and 6th), Mr. Zhan Daode (6th).

5. The Sub-Commission also heard statements by the following non-governmental organizations: Baha'i International Community (6th), Four Directions Council (5th), International Federation of Human Rights (5th), International League for Human Rights (7th), International Organization for the Elimination of All Forms of Racial Discrimination (7th), International Work Group for Indigenous Affairs (7th), Liberation (7th), Minority Rights Group (6th), National Aboriginal and Islander Legal Services Secretariat (7th), Pax Christi International (5th), World Union for Progressive Judaism (7th).

6. Statements equivalent to a right of reply were made by the Observers for Bangladesh (8th), Indonesia (5th), Iraq (6th) and the Syrian Arab Republic (8th).

7. At the 7th meeting, on 13 August 1990, the Special Rapporteur, Mr. Eide, presented his concluding remarks.

8. At the 18th meeting, on 20 August 1990, Ms. Ksentini introduced draft resolution E/CN.4/Sub.2/1990/L.5 sponsored by Mr. Guissé, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Ms. Mbonu, Mr. Tian Jin and Mr. Yimer. Ms. Daes and Ms. Warzazi subsequently joined the sponsors.

9. Ms. Ksentini, on behalf of all the sponsors, orally revised the text of the draft resolution by substituting its operative paragraphs 6 and 7 with the following new text:

> "6. Requests the Secretary-General to consider ways and means, including mechanisms necessary to respond to urgent situations and new trends involving racism or racial discrimination, in any part of the world, and to prepare an outline, for consideration by the Sub-Commission at its forty-third session, of possible activities for increasing the effectiveness of United Nations action to combat racism and racial discrimination, reflecting the principles contained in this resolution."

10. Mr. Alfonso Martínez proposed amending the revised paragraph 6 by deleting the words, ",including mechanisms".

11. In relation to operative paragraph 3, Mr. Sadi proposed that the phrase "economic and social measures" be amended to read "economic, social and education measures".

12. Mr. Eide proposed amending the draft resolution, as contained in E/CN.4/Sub.2/1990/L.13, by inserting a new operative paragraph reading as follows:

> "6. Requests the Secretary-General to explore ways by which the Sub-Commission can have at its forty-third session, a joint meeting for one day with the Committee on the Elimination of Racial Discrimination;".

13. Ms. Warzazi proposed amending preambular paragraph 11 by substituting the words "Convinced of the need for the proclamation by the General Assembly" for "Believing that the General Assembly should consider proclaiming" and by inserting the word "of" before the words "a third Decade". In connection with operative paragraph 2, she proposed substituting the words "and to combat all other forms of racism and racial discrimination, including those practised"

for ", as well as to combat racism and racial discrimination". With regard to Mr. Eide's proposal for a new operative paragraph, Ms. Warzazi proposed substituting the words "organize at the" for "explore ways by which the Sub-Commission can have at its" and to insert the words "of the Sub-Commission" after "forty-third session". In relation to operative paragraph 3, Ms. Warzazi proposed amending Mr. Sadi's proposal by inserting "information" after "education".

14. A statement relating to the draft resolution and the amendments thereto was made by Mr. Guissé.

15. The draft resolution, as amended, was adopted without a vote.

16. For the text of the resolution as adopted, see Chapter II, section A, resolution 1990/1.

17. At the 18th meeting, held on 20 August 1990, Mr. Alfonso Martínez introduced draft resolution E/CN.4/Sub.2/1990/L.6 submitted by Mr. Alfonso Martínez, Ms. Ksentini, Mr. Joinet, Mr. Suescún Monroy, Ms. Warzazi and Mr. Yimer. Ms. Bautista and Mr. Guissé subsequently joined the sponsors.

18. Mr. van Boven proposed the insertion of a new operative paragraph between operative paragraphs 1 and 2 reading as follows:

> "2. Decides to transmit the recommendations contained in his study, as revised in the light of the discussion at the present session of the Sub-Commission, to the Secretary-General so that they may be taken into account in further efforts to combat racism and racial discrimination;".

19. Mr. Sadi proposed the following amendments to the text contained in E/CN.4/Sub.2/1990/L.6: in preambular paragraph 5, substitute "an upsurge" for "a revival"; in preambular paragraph 6, substitute "eradicating" for "putting an end to"; in operative paragraph 2, substitute "an additional" for "a new".

20. Mr. Guissé proposed revising preambular paragraph 5 by inserting the words "and religious" after "national" and to delete "other".

21. Ms. Daes proposed amending preambular paragraph 5 by inserting "and linguistic" and to delete "other".

22. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mr. Eide, Mr. Joinet, Ms. Ksentini and Ms. Warzazi.

23. The draft resolution, as amended, was adopted without a vote.

24. For the text of the resolution, as adopted see Chapter II, section A, resolution 1990/2.

25. On 9 August 1990, draft resolution E/CN.4/Sub.2/1990/L.2 entitled "Measures to combat racism" was submitted by Ms. Palley. The draft decision was subsequently withdrawn.

26. On 13 August 1990, draft resolution E/CN.4/Sub.2/1990/L.3 entitled "Situation in the Middle East" was submitted by Mr. Sachar. The draft resolution was subsequently withdrawn.

B. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

27. The Sub-Commission considered sub-item 5 (b) at its 11th to 13th and 18th meetings held on 15, 16 and 20 August 1990.

28. The Sub-Commission had before it the following document in connection with its consideration of the sub-item:

Updated report by the Special Rapporteur, Mr. Khalifa (E/CN.4/Sub.2/1990/13 and Add.1).

29. The sub-item was introduced at the 11th meeting, held on 15 August 1990, by the Under-Secretary-General for Human Rights.

30. At the 11th meeting, the Special Rapporteur introduced his report.

31. In the general debate on the sub-item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (13th), Mr. van Boven (11th), Ms. Daes (13th), Mr. Eide (12th), Mr. Guissé (11th), Mr. Heller (11th), Mr. Ilkahanaf (11th), Mr. Joinet (13th), Ms. Ksentini (12th), Ms. Mbonu (12th), Mr. Sachar (11th), Mr. Sadi (12th), Mr. Treat (11th), Ms. Warzazi (11th), Mr. Yimer (11th).

32. The Sub-Commission heard statements by the Observers for Egypt (12th), Senegal (12th) and the Syrian Arab Republic (12th).

33. A statement was made by the Observer for the Pan Africanist Congress Azania (12th).

34. A statement was also made by the following non-governmental organization: National Aboriginal and Islander Legal Services Secretariat (12th).

35. At the 13th meeting, on 16 August 1990, the Special Rapporteur, Mr. Khalifa, presented his concluding remarks.

36. At the 18th meeting, held on 20 August 1990, Ms. Warzazi introduced draft resolution E/CN.4/Sub.2/1990/L.9 sponsored by Mr. Alfonso Martínez, Ms. Attah,

Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Ramishvili, Mr. Saboia, Mr. Sadi, Mr. Suescún Monroy, Mr. Treat, Ms. Warzazi and Mr. Yimer. Ms. Bautista, Ms. Palley and Mr. Sachar subsequently joined the sponsors.

37. The attention of the Sub-Commission was drawn to an estimate of admistrative and programme budget implications (E/CN.4/Sub.2/1990/L.16) of draft resolution E/CN.4/Sub.2/1990/L.9.

38. Ms. Attah and Mr. Guissé proposed revising preambular paragraph 3 of the draft resolution contained in operative paragraph 3 by substituting the word "President" for "Prime Minister".

39. The draft resolution, as revised, was adopted without a vote.

40. For the text of the resolution as adopted, see Chapter II, section A, resolution 1990/3.

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Economic and Social
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Distr.
LIMITED

E/CN.4/Sub.2/1990/L.10/Add.1
28 August 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-second session
Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SECOND SESSION, GENEVA, 3-31 AUGUST 1990

Rapporteur: Mr. Gilberto Vergne Saboia

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*/ E/CN.4/Sub.2/1990/L.10 and addenda will contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to the Commission on Human Rights will be contained in documents E/CN.4/Sub.2/1990/L.11 and addenda.

XIX. PROTECTION OF MINORITIES

1. The Sub-Commission considered item 18 at its 7th to 13th and 24th meetings held from 13 to 16 and 23 August 1990.

2. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the Working Group on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities (E/CN.4/1990/41 and Corr.1);

Progress report submitted by the Special Rapporteur Mr. Asbjørn Eide, on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1990/46);

Working paper, prepared by Ms. Pallev, on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities (E/CN.4/Sub.2/1989/43).

3. The item was introduced at the 7th meeting, on 13 August 1990, by the Under-Secretary-General for Human Rights.

4. At the 8th meeting, on 13 August 1990, the Special Rapporteur, Mr. Eide, introduced his progress report contained in document E/CN.4/Sub.2/1990/46.

5. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (11th, 12th and 13th), Mr. van Boven (9th), Ms. Daes (10th), Mr. Diaconu (9th), Mr. Eide (8th), Mr. Guissé (9th), Mr. Hatano (8th), Mr. Heller (8th), Mr. Ilkahanaf (9th), Mr. Joinet (10th), Mr. Khalifa (9th and 11th), Ms. Ksentini (10th, 11th and 13th), Ms. Pallev (9th, 11th and 12th), Mr. Sachar (8th and 10th), Mr. Sadi (9th), Mr. Türk (8th), Ms. Warzazi (9th and 11th), Mr. Yimer (8th).

6. The Sub-Commission heard a statement by the Observer for Hungary (8th).

7. Statements were also made by the following non-governmental organizations: Baha'i International Community (10th), Four Directions Council (9th), International Council of Jewish Women (8th), Minority Rights Group (10th), International Educational Development (10th), International Federation of Human Rights (8th), International League for the Rights and Liberation of Peoples (10th), International Organization for the Elimination of All Forms of Racial Discrimination (10th), Pax Christi International (10th), World Federation of Trade Unions (9th), World Union for Progressive Judaism (10th).

8. Statements equivalent to a right of reply were made by the Observers for Israel (11th) and the Syrian Arab Republic (11th).

9. A statement equivalent to a second right of reply was made by the Observer for Israel (13th).

10. At the 10th meeting, on 14 August 1990, the Special Rapporteur, Mr. Eide, presented his concluding remarks.

11. At the 24th meeting, on 23 August 1990, Ms. Daes introduced draft resolution E/CN.4/Sub.2/1990/L.8/Rev.1, sponsored by Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley, Mr. Sachar, Mr. Treat and Mr. Yimer. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1990/L.17) of the draft resolution.

12. Ms. Daes revised operative paragraph 4 of the draft resolution for adoption by the Commission on Human Rights by inserted the words ", including a technical meeting of experts for three days," after the word "assistance".

13. At the same meeting, statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Ms. Daes, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Ilkahanaf, Ms. Ksentini, Mr. Maxim, Mr. Sadi, Mr. Suescún Monroy and Ms. Warzazi.

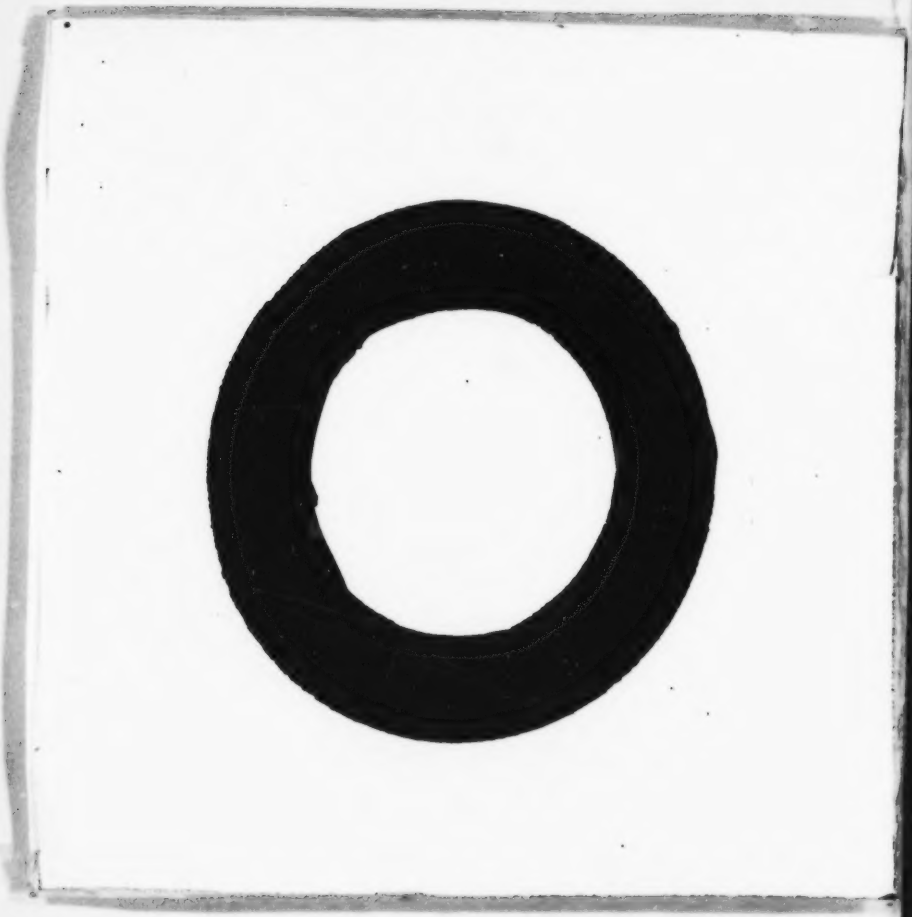
14. Mr. Sadi proposed that operative paragraph 3 should be moved to the preamble. Ms. Warzazi proposed amending operative paragraph 3 by substituting the words "Expressing concern" for the word "Considers".

15. Ms. Ksentini proposed the amendment that preambular paragraph 3 be deleted and replaced by operative paragraph 3 and that the words "difficult and complex" in operative paragraph 6 be deleted. Mr. Ilkahanaf proposed amending operative paragraph 6 by deleting the words "in order".

16. Mr. Eide proposed amending preambular paragraph 4 by inserting the words "large-scale human rights problems in" after the words "preventing".

17. The draft resolution, as amended, was adopted without a vote.

18. For the text of the resolution as adopted, see Chapter II, section A resolution 1990/5.



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Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1990/L.10/Add.2
PART I */
28 August 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-second session
Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Vergne Saboia

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*/ Part I of this draft chapter reflects the general debate on matters before the Sub-Commission. Part II will reflect the actions taken by the Sub-Commission on the proposals.

**/ E/CN.4/Sub.2/1990/L.10 and addenda will contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to the Commission on Human Rights will be contained in documents E/CN.4/Sub.2/1990/L.11 and addenda.

PART I

IV. REVIEW OF THE WORK OF THE SUB-COMMISSION

1. The Sub-Commission considered agenda item 3 at its 2nd, 4th, 23rd, 24th, 25th and ... meetings, held on 7, 8, 23, 24 and ... August 1990.

2. The Sub-Commission had before it the following documents in connection with its consideration of the item:

List of studies and reports prepared pursuant to Sub-Commission decision 1989/103: Note by the Secretary-General (E/CN.4/Sub.2/1990/2);

Note prepared by the Chairman of the Commission on Human Rights pursuant to Commission resolution 1990/64 (E/CN.4/Sub.2/1990/3);

Report prepared by the Working Group on various possibilities of implementing paragraphs 2 and 6 of resolution 8 (XXIII) of the Commission (E/CN.4/Sub.2/1990/14).

3. At the 2nd meeting, on 7 August 1990, the Under-Secretary-General for Human Rights introduced the item.

4. At the 25th meeting, on 24 August 1990, the Chairman of the Commission on Human Rights, Ms. Quisumbing, addressed the Sub-Commission.

5. In the general debate on this item statements were made by the following members of the Sub-Commission: Mr. van Boven (4th), Mr. Chernichenko (4th), Mr. Diaconu (4th), Mr. Eide (4th), Mr. Guissé (4th), Mr. Heller (4th), Mr. Joinet (2nd and 4th), Mr. Khalifa (2nd), Ms. Ksentini (4th), Ms. Mbonu (4th), Mr. Saboia (4th), Mr. Sadi (4th), Mr. Suescún Monroy (4th), Mr. Tian Jin (2nd).

6. A statement was also made by the following non-governmental organization: American Association of Jurists (4th).

Footnote to rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council

7. At the 23rd meeting, on 23 August 1990, Mr. van Boven introduced draft resolution E/CN.4/Sub.2/1990/L.4, sponsored by Mr. van Boven and Mr. Treat. Amendments to the draft resolution were proposed by Mr. Joinet in E/CN.4/Sub.2/1990/L.18.

8. Statements relating to the draft resolution and the proposed amendments thereto were made by Mr. Alfonso Martínez (23rd and 24th), Mr. van Boven (24th), Mr. Chernichenko (24th), Mr. Despouy (24th), Mr. Heller (24th), Mr. Joinet (24th), Ms. Ksentini (24th), Ms. Palley (24th), Mr. Saboia (24th), Mr. Sachar (24th), Mr. Sadi (24th), Mr. Suescún Monroy (24th), Mr. Treat (24th) and Ms. Warzazi (23rd and 24th).

9. At the 23rd meeting, Ms. Warzazi proposed amending the eighth proposed amendment contained in E/CN.4/Sub.2/1990/L.18 by substituting the words "allegations of" for the words "allegations concerning".

10. At the 24th meeting, on 23 August 1990, Ms. Palley moved a motion, in accordance with rule 65, paragraph 2, that no action be taken on draft resolution E/CN.4/Sub.2/1990/L.4.

11. At the request of Ms. Palley, a vote was taken on her motion. The motion was rejected by 1 vote in favour and 17 against, with 4 abstentions. Explanations of vote after the vote were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Sadi and Mr. Treat.

12. At the 24th meeting, Ms. Warzazi proposed amending the final paragraph of the draft resolution for adoption by the Economic and Social Council by deleting the words "of the Economic and Social Council" after the word "understanding" and deleting the word "specific" in the final line of the same paragraph.

13. At the same meeting, Mr. Heller proposed the insertion of the words "at its next session" after the word "adoption" in the second operative paragraph of the draft resolution for adoption by the Commission on Human Rights.

14. Ms. Palley proposed substituting the word "understood" for the words "the understanding" in the final paragraph of the draft resolution for adoption by the Economic and Social Council.

15. At the request of Mr. Alfonso Martínez, separate votes were taken on preambular paragraphs 3 and 4. Ms. Mbonu made a statement in explanation of vote before the vote.

16. Preambular paragraph 3 was adopted by 19 votes in favour and 2 against, with 3 abstentions. Preambular paragraph 4 was adopted by 19 votes in favour and 3 against, with 2 abstentions. Statements in explanation of vote after the vote were made by Mr. Alfonso Martínez and Mr. Yimer.

17. At the request of Mr. Alfonso Martínez, a roll-call vote was taken on draft resolution E/CN.4/Sub.2/1990/L.4, as amended. Statements in explanation of vote before the vote were made by Mr. Alfonso Martínez and Ms. Ksentini. The draft resolution was adopted by 20 votes in favour and 2 against, with 2 abstentions. The voting was as follows:

In favour: Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Mr. Merills, Mr. Saboia, Mr. Suescún Monroy, Mr. Treat and Ms. Warzazi.

Against: Mr. Alfonso Martínez and Mr. Tian Jin.

Abstaining: Mr. Sachar and Mr. Yimer.

18. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1990/4.

New rules of procedure for the Sub-Commission on Prevention of Discrimination and Protection of Minorities

19. At the 24th meeting, on 23 August 1990, Mr. Alfonso Martínez introduced draft resolution E/CN.4/Sub.2/1990/L.7, sponsored by Mr. Alfonso Martínez, Mr. Khalifa, Mr. Tian Jin and Mr. Yimer. Amendments to the draft resolution were proposed by Mr. Despouy in document E/CN.4/Sub.2/1990/L.12 and Mr. Joinet in document E/CN.4/Sub.2/1990/L.15.

20. Mr. Despouy withdrew his proposed amendment.

21. Statements in connection with the draft resolution and the proposed amendments thereto were made by Mr. Eide (24th), Mr. Guissé (24th), Mr. Ilkahanaf (24th), Mr. Joinet (24th), Ms. Ksentini (24th), Ms. Mbonu (24th), Mr. Suescún Monroy (24th) and Ms. Warzazi (24th).

22. At the same meeting, Ms. Warzazi proposed postponing further consideration of the draft resolution and amendments thereto until the forty-third session of the Sub-Commission.

23. At the request of Mr. Alfonso Martínez, a roll-call vote was taken on Ms. Warzazi's proposal. The proposal was adopted by 7 votes in favour and 4 votes against, with 11 abstentions. The voting was as follows:

In favour: Ms. Bautista, Mr. Eide, Mr. Guissé, Mr. Merills, Mr. Saboia, Mr. Suescún Monroy and Ms. Warzazi.

Against: Mr. Alfonso Martínez, Mr. Joinet, Ms. Ksentini and Mr. Tian Jin.

Abstaining: Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Hatano, Mr. Heller, Mr. Khalil, Mr. Maxim, Ms. Mbonu, Mr. Sadi and Mr. Yimer.

24. For the text of the decision, as adopted, see Chapter II, Section B, decision 1990/106.

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UNITED NATIONS

E

Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1990/L.10/Add.2
PART II */
31 August 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-second session
Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Vergne Saboiá

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GE.90-13470/4419a

PART II

IV. REVIEW OF THE WORK OF THE SUB-COMMISSION

1. At the 33rd meeting, on 30 August 1990, Mr. Treat introduced his draft resolution E/CN.4/Sub.2/1990/L.40. Mr. Sachar subsequently joined as a sponsor.

2. At the same meeting, statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Laghmari and Mr. Zhan Daode.

3. Ms. Ksentini proposed that the sponsor withdraw draft resolution E/CN.4/Sub.2/1990/L.40 and that the Sub-Commission decide to consider the question at its next session.

4. The Sub-Commission subsequently decided to postpone consideration of the draft resolution E/CN.4/Sub.2/1990/L.40 to its forty-third session.

5. For the text of the decision, as adopted, see Chapter II, section B, 1990/115.

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LIMITED

E/CN.4/Sub.2/1990/L.10/Add.3
Part I */
28 August 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Vergne Saboia

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PART I

VII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

1. The Sub-Commission considered item 6 at its 12th to 17th, 19th to 23rd, ... meetings, held on 15 to 23, ... August 1990.

2. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the sessional working group established pursuant to Sub-Commission decision 1989/104 (E/CN.4/Sub.2/1990/14);

Note by the Secretary-General pursuant to Sub-Commission resolution 1989/4 concerning the situation in the Palestinian and other Arab territories occupied by Israel (E/CN.4/Sub.2/1990/15);

Note by the Secretary-General pursuant to Sub-Commission resolution 1989/10 concerning the situation of human rights in the Islamic Republic of Iran (E/CN.4/Sub.2/1990/16);

Report by Mr. Despouy on evacuation of the war wounded and disabled in El Salvador, pursuant to Sub-Commission resolution 1989/9 (E/CN.4/Sub.2/1990/18);

Letter dated 14 May 1990 from the Charqé D'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1990/49);

Letter dated 20 August 1990 from the Charqé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1990/50);

Letter dated 21 August 1990 from the Charqé d'affaires of the Permanent Mission of the United States of America to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission (E/CN.4/Sub.2/1990/53);

Letter dated 22 August 1990 from the Permanent Mission of Lebanon to the Chairman of the forty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1990/55);
Written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/2);
Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/6);
Written statement submitted by the International League for the Rights and Liberation of Peoples, Service, Justice and Peace in Latin America and the International Association of Democratic Lawyers, non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/10);
Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/19);
Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/20);
Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/25);
Written statement submitted by International Educational Development Inc., a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/26);
Written statement submitted by the Romani Union, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/27);
Written statement submitted by Friends of the Earth International, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/28);
Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/29);

Report of the Secretary-General on the question of the violation of human rights in the occupied Arab territories, including Palestine (E/CN.4/1990/3);

Report on the human rights situation in the Islamic Republic of Iran by the Special Representative of the Commission on Human Rights, Mr. Reynaldo Galindo Pohl, pursuant to Commission resolution 1989/66 (E/CN.4/1990/24);

Report on the situation of human rights in Afghanistan prepared by the Special Rapporteur, Mr. Felix Ermacora, in accordance with Commission on Human Rights resolution 1989/67 (E/CN.4/1990/25);

Final report on the situation of human rights in El Salvador, submitted by the Special Representative of the Commission on Human Rights, Mr José Antonio Pastor Ridruejo, pursuant to Commission resolution 1989/68 (E/CN.4/1990/26);

Report of the Secretary-General on the situation of human rights in Albania, submitted pursuant to Commission on Human Rights resolution 1989/69 (E/CN.4/1990/27);

Report on Guatemala by the Expert, Mr. Héctor Gross Espiell, prepared in accordance with paragraph 9 of Commission resolution 1989/74 (E/CN.4/1990/45 and Add.1);

Note by the Secretary-General on the situation in China, submitted pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/5 (E/CN.4/1990/52);

Letter dated 12 January 1990 from the Permanent Representative of the People's Republic of China to the United Nations addressed to the Secretary-General (E/CN.4/1990/55);

Note by the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/44/620).

3. At the 12th meeting, on 15 August 1990, the Under-Secretary-General for Human Rights introduced the item.

4. In the general debate on item 6 statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (16th and 23rd), Ms. Attah (19th), Ms. Bautista (15th and 20th), Mr. van Boven (14th and 20th), Mr. Chernichenko (14th, 19th and 21st), Ms. Daes (19th), Mr. Despouy (15th and 19th), Mr. Eide (14th, 15th, 16th, 20th and 23rd), Mr. Guissé (15th, 17th and 19th), Mr. Heller (19th), Mr. Ilkahanaf (19th), Mr. Joinet (15th and 20th), Mr. Khalifa (15th), Ms. Ksentini (14th and 23rd), Mr. Maxim (20th),

Mr. Merills (14th and 23rd), Ms. Palley (20th), Mr. Saboia (19th), Mr. Sachar (15th and 20th), Mr. Sadi (15th, 20th and 21st), Mr. Suescún Monroy (19th), Mr. Treat (20th), Mr. Tian Jin (17th), Ms. Warzazi (14th, 17th, 19th and 21st).

5. Statements were made by the Observers for Bahrain (22nd), Burundi (16th), China (17th), Colombia (16th), Cyprus (17th), Egypt (22nd), El Salvador (14th), Ethiopia (22nd), Indonesia (22nd), Iraq (22nd), Kuwait (14th), Lebanon (17th), Morocco (22nd), Myanmar (17th), Peru (22nd), Portugal (22nd), Sri Lanka (23rd), Syrian Arab Republic (17th) and Turkey (22nd).

6. The Sub-Commission also heard a statement by the Observer for Palestine (17th).

7. Statements were made by the following non-governmental organizations: American Association of Jurists (14th), Amnesty International (13th), Arab Lawyers Union (13th), Arab Organization for Human Rights (13th), Bahá'í International Community (15th), Centre Europe-Tiers Monde (14th and 15th), Co-ordinating Board of Jewish Organizations (21st), Four Directions Council (14th), Grand Council of the Crees (of Quebec) (14th), Habitat International Coalition (20th), Human Rights Advocates (13th), International Association Against Torture (20th), International Association for the Defence of Religious Liberty (13th), International Association of Educators for World Peace (21st), International Commission of Health Professionals for Health and Human Rights (21st), International Commission of Jurists (20th), International Educational Development Inc. (21st), International Falcon Movement - Socialist Educational International (20th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (16th), International Federation of Human Rights (13th), International Federation Terre des Hommes (20th), International Fellowship of Reconciliation (21st), International Human Rights Law Group (20th), International Indian Treaty Council (21st), International League for Human Rights (16th), International League for the Rights and Liberation of Peoples (14th), International Movement for Fraternal Union Among Races and Peoples (21st), International Organization for the Elimination of All Forms of Racial Discrimination (20th), International Work Group for Indigenous Affairs (20th), Latin American Federation of Associations of Relatives of Disappeared Persons (16th), Liberation (14th), Minority Rights Group (16th), Movement Against Racism and for Friendship among Peoples (14th), National Aboriginal and Islander Legal Services Secretariat (21st), National Indian Youth Council (21st), Pax Christi (13th),

Pax Romana (21st), Service, Justice and Peace in Latin America (13th), Union of Arab Jurists (20th), Women's International League for Peace and Freedom (21st), World Association for World Federation (20th), World Confederation of Labour (16th), World Conference on Religion and Peace (21st), World Federation of Trade Unions (20th), World Jewish Congress (21st), World Union for Progressive Judaism (20th), World University Service (21st).

8. Statements equivalent to a right of reply were made by the Observers for Bangladesh (23rd), Cambodia (20th), Canada (20th), China (22nd), Cuba (15th), Cyprus (23rd), El Salvador (23rd), Guatemala (19th), Honduras (17th), India (23rd), Indonesia (23rd), Iraq (14th and 20th), Israel (19th), Kuwait (15th), Libyan Arab Jamahiriya (17th), Mauritania (22nd), Morocco (14th), Portugal (23rd), Somalia (23rd), Sri Lanka (14th), Syrian Arab Republic (14th), Tunisia (14th), Turkey (23rd), Viet Nam (15th), Yugoslavia (15th).

9. Statements equivalent to a second right of reply were made by the Observers for Bangladesh (23rd), Cyprus (23rd), India (23rd), Iraq (17th), Yugoslavia (17th).

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E/CN.4/Sub.2/1990/L.10/Add.3
Part II */
31 August 1990

Original: ENGLISH

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GE.90-13476/7592A

PART II

VII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

1. At the 34th meeting, on 30 August 1990, Ms. Daes introduced draft resolution E/CN.4/Sub.2/1990/L.19, sponsored by Ms. Bautista, Mr van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley, Mr. Suescún Monroy, Mr. Treat, Ms. Warzazi and Mr. Yimer. Ms. Bautista subsequently withdrew her sponsorship of the draft resolution.

2. Mr Carey proposed amending operative paragraph 2 by inserting the words "or threat of assassination" after "every assassination" and by inserting "or other persons" after "political dissidents".

3. The draft resolution, as amended, was adopted without a vote.

4. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/8.

5. At the 34th meeting, on 30 August 1990, Mr. Eide introduced draft resolution E/CN.4/Sub.2/1990/L.21, sponsored by Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Ilkahanaf, Mr. Joinet and Ms. Palley.

6. The draft resolution was subsequently withdrawn by the sponsors.

7. At the 34th meeting, on 30 August 1990, Ms. Palley introduced draft resolution E/CN.4/Sub.2/1990/L.23, sponsored by Mr. van Boven, Ms. Daes, Mr. Eide, Ms. Palley and Mr. Treat. Ms. Bautista subsequently withdrew her sponsorship of the draft resolution.

8. The sponsors revised the draft resolution by reformulating the fourth preambular paragraph to read:

> "Concerned also at reports of grave violations of the right to equality of women,",

by the insertion of a new preambular paragraph 5 to read:

> "Noting that the situation of the Bahá'í in the Islamic Republic of Iran continues to be uncertain,",

and by inserting in operative paragraph 4 the words ", including the situation of minority groups such as the Bahá'í" after "Iran".

9. Ms. Ksentini proposed an amendment by inserting a new operative paragraph 3, reading as follows:

"Welcomes the decision of the Government of the Islamic Republic of Iran to invite the Special Rapporteur to visit that country and the co-operation provided by the Government of the Islamic Republic of Iran in the course of the visit as well as its commitment to continue the co-operation;".

10. Mr. Eide proposed an amendment, conditional on the adoption by the Sub-Commission of Ms. Ksentini's proposed amendment, for the insertion of a new operative paragraph to follow immediately after the paragraph proposed by Ms. Ksentini, reading as follows:

"Expresses regret, however, that serious obstacles appear to have been placed in the way of persons or groups which sought to provide information on violations of human rights;".

11. Statements relating to the draft resolution and the proposed amendments thereto were made by Mr. Alfonso Martínez, Ms. Bautista, Mr. Eide, Mr. Guissé, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Ms. Mbonu and Ms. Palley.

12. The Observer for the Islamic Republic of Iran made a statement.

13. The draft resolution, as revised and amended, was adopted by secret ballot by 14 votes to 5, with 5 abstentions.

14. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/9.

15. At the 34th meeting, on 30 August 1990, Ms. Mbonu introduced draft resolution E/CN.4/Sub.2/1990/L.24, sponsored by Mr. Alfonso Martínez, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Ms. Palley, Mr. Sachar, Mr. Sadi, Mr. Tian Jin, Mr. Treat, Ms. Warzazi and Mr. Yimer. Ms. Bautista subsequently joined as a sponsor.

16. The draft resolution was adopted without a vote.

17. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/10.

18. At the 34th meeting, on 30 August 1990, Mr. Heller introduced draft resolution E/CN.4/Sub.2/1990/L.32, sponsored by Mr. van Boven, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Heller, Mr. Joinet, Mr. Saboia and Mr. Suescún Monroy.

19. The draft resolution was adopted without a vote.

20. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/11.

21. At the 34th meeting, on 30 August 1990, Ms. Ksentini introduced draft resolution E/CN.4/Sub.2/1990/L.34, sponsored by Mr. Alfonso Martínez, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Mr. Sachar, Mr. Sadi and Mr. Tian Jin.

22. Statements relating to the draft resolution were made by Mr. van Boven and Ms. Palley.

23. Mr. Carey requested that a vote be taken on the draft resolution.

24. The draft resolution was adopted by secret ballot by 18 votes to 1, with 4 abstentions.

25. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/12.

26. At the 34th meeting, on 30 August 1990, Mr. van Boven introduced draft resolution E/CN.4/Sub.2/1990/L.35, sponsored by Ms. Bautista, Mr. van Boven, Mr. Eide, Mr. Hatano, Mr. Joinet, Mr. Merills, Mr. Suescún Monroy, Mr. Treat and Mr. Yimer. Mr. Despouy subsequently joined as a sponsor.

27. Mr. Treat proposed revising the draft resolution by inserting two new preambular paragraphs to read as follows:

> "Horrified by the statements of President Saddam Hussein that innocent civilians will be moved to sensitive military areas in defiance of international law,
>
> Disturbed that diplomatic personnel are being detained without food or water or electricity in total disregard of humanitarian considerations,"

and a new operative paragraph to read as follows:

> "Recommends further that the Secretary-General be requested to express to President Saddam Hussein the deep concerns of this body for the violations of international law.".

28. Mr. Yimer revised operative paragraph 4 by deleting the word "carefully".

29. Ms. Ksentini proposed amending the draft resolution by inserting one new preambular paragraph as follows:

> "Deeply concerned by the fact that the sanctions decided upon by the Security Council against Iraq may cause untold suffering to the innocent civilian population if they were to be deprived of basic food and medicine,",

and one new operative paragraph as follows:

"Urgently appeals to those who, in compliance with Security Council resolution 661, are participating in sanctions against Iraq, not to deprive innocent civilian populations of basic food and medicine.".

30. Mr. Eide proposed revising the preamble of the draft resolution by the insertion of an additional paragraph reading as follows:

"Noting that in Security Council resolution 661, exception from the trade embargo has been made for necessary medicine and, in humanitarian circumstances, foodstuffs,".

31. Mr. Ilkahanaf proposed amending the draft resolution by deleting preambular paragraph 3.

32. Ms. Palley proposed amending the draft resolution by inserting a new operative paragraph between existing paragraphs 3 and 4, as follows:

"Condemns threats made by President Saddam Hussein to use weapons of mass destruction, including chemical and biological weapons in certain circumstances;".

33. Statements relating to the draft resolution and its proposed amendments were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Despouy, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Ms. Palley, Mr. Suescún Monroy, Mr. Tian Jin, Mr. Treat and Mr. Yimer.

34. Mr. Saboia moved a motion in accordance with rule 65 (2) of the Rules of Procedure of the Functional Commissions of the Economic and Social Council that no decision be taken on the proposed revisions and amendments.

35. Mr. Heller requested a vote on the motion.

36. The motion was carried by secret ballot by 17 votes to 6, with 1 abstention.

37. The Observer for Iraq made a statement.

38. Mr. Alfonso Martínez requested separate votes on preambular paragraph 3 and operative paragraph 4.

39. Preambular paragraph 3 was retained by secret ballot by 16 votes to 4, with 4 abstentions.

40. Operative paragraph 4 was retained by secret ballot by 18 votes to 6, with no abstentions.

41. Mr. Heller requested a vote on the draft resolution as a whole.

42. The draft resolution was adopted by secret ballot by 19 votes to 4, with 1 abstention.

43. For the text of the resolution, as revised, see chapter II, section A, resolution 1990/13.

44. At the 34th meeting, on 30 August 1990, Mr. Despouy introduced draft resolution E/CN.4/Sub.2/1990/L.39, sponsored by Mr. Despouy, Mr. Heller, Mr. Saboia and Mr. Suescún Monroy. Mr. van Boven and Mr. Carey subsequently joined as sponsors.

45. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Carey, Mr. Eide, Mr. Guissé and Mr. Joinet.

46. The Observer for El Salvador made a statement.

47. The draft resolution was adopted without a vote.

48. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/14.

49. At the 34th meeting, on 30 August 1990, Mr. Joinet introduced draft resolution E/CN.4/Sub.2/1990/L.41, sponsored by Ms. Daes, Mr. Joinet and Mr. Merills. Mr. Eide subsequently joined as a sponsor.

50. Statements relating to the draft resolution were made by Ms. Bautista, Mr. van Boven, Ms. Daes, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Ms. Mbonu, Ms. Palley and Mr. Treat.

51. The draft resolution was revised by the sponsors by inserting at the end of preambular paragraph 2 ", in order to guarantee full respect for human rights", and by replacing in operative paragraph 1 "comprehensive solution to the problem of" by "settlement guaranteeing full respect for human rights in".

52. The Observer for Indonesia made a statement (34th).

53. Mr. Joinet requested that a vote be taken on the draft resolution.

54. The draft resolution, as revised, was adopted by secret ballot by 14 votes to 9, with 1 abstention.

55. The draft resolution was adopted without a vote.

56. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/14.